

IRA P. ROTHKEN (CA SBN 160029)  
JARED R. SMITH (CA SBN 130343)  
ROTHKEN LAW FIRM  
3 Hamilton Landing, Suite 280  
Novato, CA 94949  
Telephone: (415) 924-4250  
Facsimile: (415) 924-2905  
Email: ira@techfirm.com  
Email: jared@techfirm.com

JOHN R. PARKER, JR., (CA SBN 257761)  
KERSHAW, CUTTER & RATINOFF, LLP  
401 Watt Avenue  
Sacramento, California 95864  
Telephone: (916) 448-9800 (voice)  
Facsimile: (916) 669-4499 (fax)  
Email: jparker@kcrlegal.com

Counsel for Plaintiffs  
JENNIFER SUE PATRICK and SCOTT LEWIS

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

JENNIFER SUE PATRICK, an individual and  
SCOTT LEWIS, an individual on Behalf of  
Themselves and for the Benefit of All with the  
Common or General Interest, Any Persons  
Injured, and All Others Similarly Situated,

Plaintiffs,

v.

CARRIER IQ, INC., a Delaware corporation  
and Does 1 to 100, inclusive

Defendants.

Civ. Action No. 5:11-cv-05842-PSG

**CLASS ACTION**

NOTICE OF ADMINISTRATIVE MOTION  
AND MOTION TO CONSIDER WHETHER  
CASES SHOULD BE RELATED (LR 3-12)

***RELATED CASES:***

*Kenny et al v. Carrier IQ, Inc et al,*  
Case No. 5:11-cv-05774-PSG  
*Steiner v. Carrier IQ, Inc,*  
Case No. 5:11-cv-05802-HRL  
*Thomas, et al v. Carrier IQ Inc, et al,*  
Case No. 5:11-cv-05819-HRL  
*Pipkin et al v. Carrier IQ, Inc et al,*  
Case No. 5:11-cv-05820-HRL  
*Silvera et al v. Carrier IQ, Inc et al,*  
Case No. 3:11-cv-05821-SI  
*Padilla et al v. Carrier IQ, Inc,*  
Case No. 5:11-cv-05975-HRL

1 TO THE COURT, ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 NOTICE IS HEREBY GIVEN that, pursuant to Local Rule 3-12, Plaintiffs JENNIFER SUE  
3 PATRICK and SCOTT LEWIS in Case No. 5:11-cv-05842-PSG (collectively, "Plaintiffs")  
4 administratively move that the additional actions identified herein be related to action number  
5 5:11-cv-05774-PSG, as they involve all or a material part of the same subject matter and all or  
6 substantially all of the same parties as this action, are currently pending in this federal district and  
7 action number 5:11-cv-05774-PSG is the lowest numbered, first filed action. Additional related  
8 actions have been filed in other federal districts, including, but not limited to:

9	McKeen v. Carrier IQ, Inc. et al	District of Conn.	3:2011-cv-01895
10	Pacilli et al v. Carrier IQ Inc. et al	District of Delaware	1:2011-cv-01199
11	Schmidt et al v. Carrier IQ, Inc. et al	SD Florida	1:2011-cv-24352
12	Janek v. Carrier IQ, Inc., et al.	ND Illinois	1:2011-cv-08564
13	Wilson v. Carrier IQ, Inc.	ND Illinois	1:2011-cv-08579
14	Conley et al v. Carrier IQ, Inc.	SD Illinois	3:2011-cv-01059
15	Ferreira v. Carrier IQ, Inc.	District of Mass.	1:2011-cv-12146
16	Libby v. Carrier IQ, Inc. et al	District of Mass.	1:2011-cv-12150
17	Elliott et al v. Carrier IQ, Inc. et al	ED Missouri	4:2011-cv-02095
18	Cosme v. Carrier IQ, Inc. et al	ED Texas	1:2011-cv-00689
19	Link v. Carrier IQ, Inc. et al	District of RI	1:2011-cv-00603

20 and there is currently pending a motion to transfer before the Judicial Panel for Multi-District  
21 Litigation ("JPML"), entitled, IN RE: Carrier IQ, Inc., Consumer Privacy Litigation, MDL  
22 Docket No: 2330, suggesting the Northern District of California as the transferee Court filed by  
23 Plaintiffs Daniel Pipkin and Chad Ulrich, Northern District Case No. 5:11-cv-05820-HRL.

24 The action identified herein all involve claims against CARRIER IQ, INC. ("CARRIER  
25 IQ" or "CIQ") arising from the common facts and circumstances that Carrier IQ's software  
26 ("Rootkit Software" or "Carrier IQ Software") in mobile devices intercepted private data from  
27 owners' smartphone computing devices and Carrier IQ stored such data on Carrier IQ's servers  
28 without prior notification to or authorization by the owners.

Several actions have named, in addition to Carrier IQ, the following manufacturers and/or  
carriers: HTC CORPORATION, HTC AMERICA, INC., SAMSUNG ELECTRONICS CO.,  
LTD., SAMSUNG ELECTRONICS CO., LTD., SAMSUNG ELECTRONICS AMERICA, INC.,

1 SAMSUNG TELECOMMUNICATIONS AMERICA, INC., AT&T, INC., SPRINT  
2 COMMUNICATIONS COMPANY, L.P.

3 All the actions have a common nucleus of alleged facts and a substantial overlap on some  
4 subset of the following causes of action:

5 Violation of the California Consumer Protection Against Computer Spyware Act;  
6 Violation of the Electronic Communications Privacy Act;  
7 Violation of the Computer Fraud and Abuse Act;  
8 Violation of Article 1, Section 1 of the California Constitution (Privacy);  
9 Violation of California Penal Code §§631 And 637.2;  
10 Violation of Cal. Bus. & Prof. Code § 17200;  
11 Violations of the California Privacy Act;  
12 Trespass to Chattel;

13 Since these actions involve substantially similar claims for relief, against the same lead  
14 defendant, concerning substantially the same affected nationwide consumer class of mobile  
15 device users whose mobile devices contain the Carrier IQ software, and the same property,  
16 services, transaction and event - i.e. that Carrier IQ's software ("Rootkit Software" or "Carrier IQ  
17 Software") in mobile devices intercepted private data from owners' smartphone computing  
18 devices and Carrier IQ stored such data on Carrier IQ's servers without prior notification to or  
19 authorization by the owners and other wrongs by defendants, and the same or similar damages to  
20 the consumer class, transfer and consolidation is appropriate.

21 Relating the action identified herein in a single judicial district for coordinated and/or  
22 consolidated proceedings will promote the just and efficient conduct of these actions, will serve  
23 the convenience of all parties and witnesses, and will promote the interests of justice, because all  
24 actions involve the same class of persons, as well as common factual and legal issues. All of the  
25 cases are in the very early stages of their respective litigations and parties would not be unduly  
26 prejudiced by transfer. Relating these actions will be for the convenience of the parties and  
27 witnesses and promote the just and efficient conduct of these actions, because it is expected that  
28 plaintiffs' counsel in all actions will take discovery of similar witnesses and documents primarily  
located at Defendants' offices in California. Moreover, relating the actions to a single court for  
coordinated and/or consolidated proceedings will conserve judicial resources, reduce litigation  
costs, prevent potentially inconsistent pretrial rulings, avoid duplicative discovery, and permit the  
cases to proceed to trial more efficiently.

Pursuant to Local Rule 3-12 and 3-13, as the first filed action in the Northern District of California with the lowest case number, all pending cases should be related to and/or coordinated with *Kenny et al v. Carrier IQ, Inc et al*, Case No. 5:11-cv-05774-PSG.

DATED: December 7, 2011

ROTHKEN LAW FIRM

By:   
Ira P. Rothken, Esq., (State Bar #160029)

Counsel for Plaintiffs

JENNIFER SUE PATRICK and SCOTT LEWIS Ira  
P. Rothken, Esq., (State Bar #160029)

Email: ira@techfirm.net

Jared R. Smith (State Bar No. 130363)

Email: jared@techfirm.net

ROTHKEN LAW FIRM

3 Hamilton Landing, Ste 280

Novato, CA 94949

Telephone: (415) 924-4250

Facsimile: (415) 924-2905

John R. Parker, Jr. (State Bar No. 257761)

Email: jparker@kcrlegal.com

KERSHAW, CUTTER & RATINOFF, LLP

401 Watt Avenue

Sacramento, California 95864

(916) 448-9800 (voice)

(916) 669-4499 (fax)

#### CERTIFICATE OF SERVICE

I, Jared R. Smith, certify that I served the above document and the proposed order on counsel for all parties that have appeared in the above-referenced actions via ECF.

Dated: December 7, 2011

